



**Public Health Futures
Board Training Work Group
November 5, 2013**

Minutes

Welcome and introduction

- Jay Carey, ODH, welcomed everyone and introductions were made
- Those present; Jennifer Wentzel, Duane Stansbury, Doug Fisher, Will McHugh, Mahjabeen Qadir and Carol Brock
- Via telephone; Jim Watkins, Melissa Sever and Pamela Butler

Approval of Minutes

- October 8, 2013 meeting notes were approved with minor typing corrections

Reports/Review of Draft Language/Discussion

- Discussion centered on the latest draft rule language and comments from AOHC, OPHA and OEHA after work group members shared the draft rule language with an expanded audience (typically their organizations' Board or their local board of health). Other than minor edits, discussion focused on issues/suggested changes included in Duane Stansbury's Oct. 21 e-mail. Topics of discussion included:
 - Any and all CEUs earned by a licensed health professional should count towards their board CE requirement;
 - Possibility of adding language allowing the Director to recommend that the DAC or appointing authority remove a board member that fails to obtain their 2 CEs without good cause; and

- Taking language from A(5) of the same rule and inserting into A(8)(c)ii. The language would require the director to review reasons for non-compliance and grant excuses when good cause shown.
- The rule must follow the law and with help from ODH Legal, discussion revealed all three suggested changes exceed the scope of the statute.
- **Issue/suggested change:** *Any and all CEs earned by a licensed health professional should count towards their board CE requirement.*
 - Mahjabeen said ORC 3701.342 clearly states continuing education credits shall pertain to Ethics, Public Health Principles and/or a Members' Responsibility. That includes licensed health professional's CE's used to meet the board training requirement. CEs related to ethics, public health or governance would meet the requirement set by the statute, but a licensed medical professional's CE on mental health pharmaceuticals would not.
- **Issue/suggested change:** *Possibility of adding language allowing the Director to recommend that the DAC or appointing authority remove a board member that fails to obtain their 2 CEs without good cause.*
 - Mahjabeen said the statute does not give that specific authority to the Director and we cannot give him that authority by rule. It was suggested that perhaps Sec. 3709.35 gives the director such authority.
 - After reviewing Sec. 3709.35, Mahjabeen said that it does outline the procedure for the director to remove a health commissioner or local board member for misfeasance, malfeasance, or nonfeasance. However, this statute would need modification to give the director the authority to remove a board member for failing to complete their board training requirement.
 - Adding Sec. 3701.342 to the list of ORC citations in Sec. 3709.35 would be one way to do this. Will said that since the director does not currently have that authority, this is a separate issue that perhaps AOHC would want to pursue in the future.
 - Jay reminded everyone about a previous work group discussion on this topic. If a board member does not complete their training requirements, the health commissioner now has more ammunition in their discussion with the appointing authority over a non-participatory board member. Specifically, how the appointees' lack of engagement may now cost the LHD their subsidy money, and that compliance is needed or another person should be appointed.
- **Issue/suggested change:** *Taking existing language from A(5) of the same rule and inserting into A(8)(c)ii. The language would require the director to review reasons for non-compliance and grant excuses when good cause shown.* This issue dominated much of the discussion.
 - The existing language refers to the process where the director grants excuses when, for good cause, a health commissioner or medical director is not able to meet the attendance requirements at the Ohio public health conference. It was suggested the same language be used and both issues be treated uniformly.

- Mahjabeen said there is no authority in the statute for the director to grant an excuse to the board training requirement. She explained attendance at the conference was a requirement of the rule (OAC), not the statute (ORC), so the authority to grant an excuse for good cause can be extended in the rule. However, since the Board training requirement is in statute, the authority for granting an excuse must also be in statute and cannot be extended in rule. Such statutory authority does not currently exist.
- Discussion followed on the proposed language in 8(b). Advantages of the more open-ended language, as proposed, were discussed. Likewise, the more specific the language, the greater likelihood of LHDs losing their subsidy over the board training requirement. AOHC members said they would take the two options back to the Board for discussion. ODH may participate in the discussion surrounding this issue at the AOHC Public Affairs meeting, if requested.
- With only one outstanding issue regarding the rule (open-ended vs. more specific), the next meeting (Nov. 19) will be used to focus on identifying possible trainings. Per Jay, he would like to have the CEU classes posted on line by January 1, 2014
- Existing Training Opportunities: Jay thanked Melissa and her grad student for the list of online courses that may be appropriate for local board of health members. Melissa stated this was a quick search done by her grad student for today's meeting and she asked for feedback. The search for classes should focus on those two hours or less, with one hour or less preferred. Adding a column on the availability of certificate for each training was suggested.

Next Meeting

- November 19, 2013
246 Bldg., 7th Floor, Small Conference Room
1:00 p.m. – 3:00 p.m.